

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	10/587,801	GROSJEAN-COURNOYER ET AL.	
	Examiner	Art Unit	
	John Pak	1616	

All Participants:

(1) John Pak.

(2) Paul Grandinetti.

Date of Interview: 22 October 2010

Status of Application: _____

(3) James Lewis.

(4) _____.

Time: _____

Type of Interview:

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description: _____.

Part I.

Rejection(s) discussed:

Claims discussed:

All

Prior art documents discussed:

U.S. Patents 7,776,892 and 7,786,148 (for double patenting issues, not prior art-based issues)

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed:

At the outset the Examiner noted that the amendment of 7/8/2010 deleted the elected tebuconazole from all but claim 1, and that if an agreement were not reached, one course of action that the Examiner could pursue is to maintain the restriction requirement and examine only the claims that read on the previously elected and examined subject matter. An agreement was initially reached to limit component (b) to bitertanol, cyproconazole, difenoconazole, epoxiconazole, hexaconazole, myclobutanil, prothioconazole, and triadimenol. The Examiner mentioned however that a search update needs to be done and that he was aware of many similar published applications by applicant, which require review for double patenting issues. On 10/25/2010, the Examiner called to inform Mr. Grandinetti and Mr. Lewis that the above noted patents raised obviousness type double patenting issues vis-à-vis the proposed amended subject matter. The Examiner stated that he would write up an Office action wherein the currently pending claims are examined, i.e. claim 1 is rejected and all other claims are withdrawn as non-elected.